

BOOK 143

4144

MORTGAGE

THIS MORTGAGE, made this 17<sup>th</sup> day of January, A. D., 1966, by and between EMBEE COMPANY, INC., of the City of Des Moines, and State of Iowa, party of the first part, for the purpose of this instrument hereinafter called "MORTGAGOR", and THE FIRST NATIONAL BANK OF BOSTON, of the City of Boston and Commonwealth of Massachusetts, party of the second part, for the purpose of this instrument hereinafter called "MORTGAGEE":

WITNESSETH: That said MORTGAGOR, for and in consideration of the sum of FIVE HUNDRED SIXTY-FIVE THOUSAND and 00/100 DOLLARS (\$565,000.00) paid and to be paid, under the terms of the Loan Agreement hereinafter referred to, to said MORTGAGOR by said MORTGAGEE, does by these presents Grant, Bargain, Sell and Convey and Warrant unto the said MORTGAGEE, its successors and assigns, all of the following described real estate situated in the County of Douglas and State of Kansas, to-wit:

Lots 73 and 75 and the north 1/2 of Lot 77 on Massachusetts Street in the City of Lawrence;

subject to, and with the benefit of:

- a) that certain lease dated March 11, 1965, as amended October 5, 1965, in which F. W. Woolworth Co. is named as the tenant and the MORTGAGOR herein is named as the landlord, recorded in Book 238, Pages 137-141, records of Douglas County, Kansas;
- b) the terms and provisions of the party wall agreement dated June 15, 1871, relating to rights in and use of a wall on the North line of Lot 73, and recorded in Book 4, Page 557, records of Douglas County, Kansas; and
- c) the terms and provisions of the party wall agreement dated July 29, 1869, relating to rights in and use of a wall on the South line of the North 1/2 of Lot 77, and recorded in Book "X", Page 332, records of Douglas County, Kansas.

The holder of the note or notes secured by this Mortgage shall be subrogated for further security to the lien, though released of record, of any prior encumbrance or vendor's lien on said premises paid out of the proceeds of this loan.

TO HAVE AND TO HOLD the premises described, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging and the rents, issues and profits thereof; and also all apparatus, machinery, fixtures, chattels, furnaces, heaters, ranges, gas and electric light fixtures, screens, screen doors, awnings, blinds and all other fixtures of whatever kind and nature at present contained or hereafter placed in the buildings now or hereafter standing on the said real estate, and all structures, gas and

For Assignment of Mortgage See Book 143 Page 309

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